

REMARKS

Claims 1-24 were previously pending in this application. Claims 1, 2, 7, 12, 16, 18 and 19 have been amended. No new claims have been added. As a result claims 1-24 are pending for examination with claims 1, 2, 7, 12, 16, 18 and 19 being independent claims. No new matter has been added.

Allowable Subject Matter

Applicant acknowledges the Examiner's finding that claims 2-4, 7-11, 12, and 14-18 would be allowable if rewritten in independent form to include all of the limitations of their respective base claims and any intervening claims. Applicant has rewritten claims 2, 7, 12, 16 and 18 in independent form. Claims 3, 4, 8-11, 14, 15 and 17 have not been rewritten since they depend from claims believed to be allowable, as discussed below.

Claim Rejections Under 35 U.S.C. §102

The Examiner rejected claims 1, 5, 6, 13, and 19-24 under 35 U.S.C. §102(a) as being anticipated by Combest (U.S. Patent No. 6,484,983). As discussed below, Applicant has amended independent claims 1 and 19 to clearly distinguish Combest.

Independent claim 1 is directed towards a universal surface mounted loudspeaker comprising, *inter alia*, an enclosure in which the loudspeaker components are mounted, and a bracket sized to fit substantially flush in a corresponding recess formed in a rear portion of the enclosure. As amended, the *recess is sized and shaped to fit the bracket* and the bracket has features to facilitate attachment of the bracket to at least one surface, having at least one post positioned to extend through a corresponding hole in said rear portion of the enclosure, and each post is adapted to coact with a corresponding fastener to secure the enclosure to the bracket.

Combest discloses a mounting device for mounting a speaker enclosure at an elevated position at the intersection of two walls. As shown in Fig. 1-2, the mounting device includes a bracket 26 with first and second corner-facing surfaces 38, 40; first and second wall-facing surfaces 42, 44; and a speaker-facing surface 46. The device further includes upper and lower fasteners 30, 34 inserted through holes 94 located in both an upper and a lower mounting plate 28, 32. The upper and lower fasteners are secured to the mounting plates with sleeves 96, 98

which are placed on the opposite side of the mounting plates and threaded to the fasteners. The sleeve then fits into a corresponding hole on the rear portion 70 of the speaker enclosure to attach the mounting device to the speaker enclosure 12. Thus, the Combest mounting device fastens the bracket to the speaker enclosure with the use of fasteners. There is no recess formed in the rear portion of the speaker enclosure sized and shaped to fit the bracket as recited in claim 1.

In the Office Action, the Examiner contends that Fig. 2 in Combest shows a recess formed in the rear portion of the enclosure. However, even when assuming that Combest does disclose a recess in the rear portion of the speaker enclosure, Combest does not disclose a recess formed in the rear portion of the speaker enclosure sized and shaped to fit the bracket as recited in claim 1. Further, the Combest bracket is not sized to fit substantially flush within the recess as recited in claim 1. Thus, claim 1 patentably distinguishes over Christopher, such that the rejection under §102 should be withdrawn.

Claims 5, 6 and 13 depend from claim 1 and are patentable for at least the same reasons.

Independent claim 19 is directed towards a bracket for use with a surface mounted loudspeaker having an enclosure with a recess formed in a rear portion. As amended, *the recess is sized and shaped to fit the bracket*, and the bracket is sized to fit substantially flush in the recess. The bracket also includes at least one post positioned to extend through a corresponding hole in the rear portion of the enclosure, with a corresponding fastener to secure the enclosure to the bracket, and a plurality of features which facilitate attachment of said bracket to both two surfaces forming a corner and a single flat surface, attachment being possible to either.

As discussed above, the Combest mounting device does not disclose a recess formed in the rear portion of the enclosure sized and shaped to fit the bracket as recited in claim 19. Further, the Combest bracket is not sized to fit substantially flush within the recess as recited in claim 19. Thus, claim 19 patentably distinguishes over Combest, such that the rejection under §102 should be withdrawn.

Claims 20-24 depend from claim 19 and are patentable for at least the same reasons.

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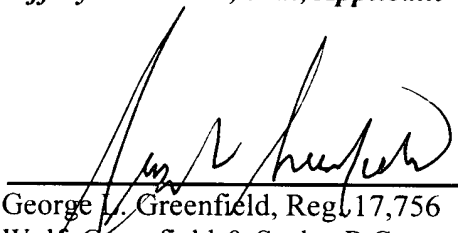
CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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